

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**If you were denied NIL compensation opportunities  
any time between 2016-2023, your rights may be  
affected by a class action lawsuit.**

*A federal court authorized this notice. It is not a solicitation from a lawyer.*

- A class action lawsuit has been filed against the National Collegiate Athletic Association (NCAA) and Pac-12 Conference, Big Ten Conference, Big 12 Conference, Southeastern Conference, and Atlantic Coast Conference, including Notre Dame (“Power Five Conferences”).
- The lawsuit claims certain NCAA rules that restrict student-athlete compensation related to the commercial use of their names, images, and likenesses (NIL) are anticompetitive.
- You may be included in the lawsuit if you are a current or former college athlete who received a full Grant-in-Aid (GIA) scholarship and compete on, or competed on, a Division I men’s or women’s basketball team or an FBS football team, at a college or university that is a member of one of the Power Five Conferences (including Notre Dame), any time between June 15, 2016 and November 3, 2023 OR who competed on a Division I athletic team prior to July 1, 2021 and received compensation while a Division I college athlete for the use of your NIL between July 1, 2021 and November 3, 2023.

YOUR LEGAL RIGHTS AND OPTIONS	
<b>DO NOTHING</b>	If you do nothing you are choosing to stay in the lawsuit. You will be eligible to share in any money that may be obtained through continued litigation or settlement. You will be bound by past and any future court rulings on, or settlement of, the claims against Defendants, and you will not be able to pursue your own claims against them.
<b>EXCLUDE YOURSELF</b>	If you exclude yourself from the lawsuit ( <i>i.e.</i> opt out), you will not be able to share in any money that may be obtained in this case through continued litigation or settlement. You will not be bound by any past or future rulings against Defendants. You may pursue your own claims against Defendants.

- These rights and options—and the deadlines to exercise them—are explained in this notice.
- Your legal rights are affected whether you act or not. Please read this entire notice carefully.

WHAT THIS NOTICE CONTAINS

**Basic Information ..... 3**

1. Why was this notice issued? ..... 3

2. What is a class action? ..... 3

3. Why is this lawsuit a class action? ..... 3

**The Claims in the Lawsuit ..... 3**

4. What is the lawsuit about? ..... 3

5. How do the Defendants answer? ..... 3

6. Has the Court decided who is right? ..... 4

7. What are the Class Representatives asking for on behalf of the Classes? ..... 4

**Who is Included? ..... 4**

8. How do I know if I am included in the lawsuit? ..... 4

9. Are there exceptions to being included? ..... 4

**Your Rights & Options ..... 5**

10. What are my options? ..... 5

11. What happens if I do nothing? ..... 5

12. What happens if I ask to be excluded? ..... 5

13. How do I opt-out? ..... 5

14. How do I stay up to date on the status of the lawsuit? ..... 5

**The Lawyers Representing You ..... 6**

15. Do I have a lawyer in the case? ..... 6

16. Should I get my own lawyer? ..... 6

17. How will the lawyers be paid? ..... 6

**The Trial ..... 6**

18. How and when will the Court decide who is right? ..... 6

19. Do I have to come to the trial? ..... 6

20. Will I get money after the trial? ..... 6

**Getting More Information ..... 6**

21. How do I get more information? ..... 6

## BASIC INFORMATION

### 1. Why was this notice issued?

This notice was issued because the Court has decided this lawsuit may proceed as a class action. This notice explains the lawsuit, who is included, and your legal rights and options.

Judge Claudia Wilken of the United States District Court for the Northern District of California is overseeing this lawsuit. The case is titled *In Re: College Athlete NIL Litigation*, Case No. 4:20-cv-03919. The people who initiated this case are called the Plaintiffs. The entities the Plaintiffs sued are called the Defendants. They include the NCAA, the Pac-12 Conference, Big Ten Conference, Big 12 Conference, Southeastern Conference, and Atlantic Coast Conference. The conferences are also referred to as the “Conference Defendants” and “Power Five Conferences.”

### 2. What is a class action?

In a class action, one or more people called Class Representatives (in this case, Sedona Prince, Grant House, and Tymir Oliver) sue on behalf of people who have similar claims. Together, the Class Representatives and the people represented by them are called a Class or Class members. One court resolves the claims of all Class members, except for those who exclude themselves from the litigation.

### 3. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23(b)(3), which governs class actions in federal courts. Specifically, the Court found that:

- There are hundreds, if not thousands, of student-athletes affected by the litigation;
- There are legal questions of fact that are common to each of them;
- The Class Representatives’ claims are typical of the claims of the rest of the Classes;
- The Class Representatives, and the lawyers representing the Classes, will fairly and adequately represent the Classes’ interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

## THE CLAIMS IN THE LAWSUIT

### 4. What is this lawsuit about?

Plaintiffs allege that the NCAA and Conference Defendants prohibit, cap, and limit the compensation that Division I student-athletes may receive for the commercial use of their names, images, and likenesses through NCAA rules, regulations, and interpretations, and that these rules are anticompetitive. .

Specifically, Plaintiffs claim student-athletes were deprived of compensation that, depending on the Class, falls within three categories: (1) broadcast NIL (BNIL) injury and damages related to compensation that Plaintiffs argue the student-athletes would have received from conferences for the use of their NIL in broadcasts of FBS football or Division I basketball games in the absence of the challenged rules; (2) video game injury and damages related to compensation that Plaintiffs argue student-athletes would have received from video game publishers for the use of their NIL in college football or basketball video games in the absence of the challenged rules; and (3) third-party NIL injury and damages related to compensation that Plaintiffs argue student-athletes would have received from third parties for the use of their NIL from 2016 to July 1, 2021, before the interim NIL policy went into effect.

A copy of the Consolidated Amended Complaint is available at [www.NILCollegeAthleteLitigation.com](http://www.NILCollegeAthleteLitigation.com).

## 5. How do the Defendants answer?

Defendants deny violation of the federal antitrust laws or common law, and deny that this case is properly brought as a class action.

A copy of each Answer to the Consolidated Amended Complaint as filed by the Defendants is available at [www.NILCollegeAthleteLitigation.com](http://www.NILCollegeAthleteLitigation.com).

## 6. Has the Court decided who is right?

No, the Court has not decided whether the Class Representatives or Defendants are correct. By establishing the Classes and issuing this Notice, the Court is not suggesting that the Class Representatives will win or lose the case. The Class Representatives must prove their claims at a trial.

## 7. What are the Class Representatives asking for on behalf of the Classes?

The Class Representatives are asking for injunctive relief and money damages on behalf of themselves and the Classes to compensate them for the compensation they may have received for the use of their NIL.

There is no money available now and no guarantee there ever will be.

## WHO IS INCLUDED?

## 8. How do I know if I am included in the lawsuit?

The lawsuit includes four groups or “Classes” of athletes as defined below.

### Damages Classes

- **Football and Men’s Basketball Class:** All current and former college athletes who have received full Grant-in-Aid (GIA) scholarships and compete on, or competed on, a Division I men’s basketball team or an FBS football team, at a college or university that is a member of one of the Power Five Conferences (including Notre Dame), at any time between June 15, 2016 and November 3, 2023.
- **Women’s Basketball Class:** All current and former college athletes who have received full GIA scholarships and compete on, or competed on, a Division I women’s basketball team, at a college or university that is a member of one of the Power Five Conferences (including Notre Dame), at any time between June 15, 2016 and November 3, 2023.
- **Additional Sports Class:** Excluding members of the Football and Men’s Basketball Class and members of the Women’s Basketball Class, all current or former college athletes who competed on a Division I athletic team prior to July 1, 2021 and who received compensation while a Division I college athlete for use of their name, image, or likeness between July 1, 2021 and November 3, 2023 in this matter and who competed in the same Division I sport prior to July 1, 2021.

### Injunctive Class

- **Declaratory and Injunctive Relief Class:** All current and former college athletes who compete on, or competed on, a Division I athletic team at any time between June 15, 2020 and the date of judgment in this case.

## 9. Are there exceptions to being included?

Yes, excluded from all three Damages Classes are the officers, directors, and employees of Defendants. These Classes also exclude all judicial officers presiding over this action and their immediate family members and staff, and any juror assigned to this action.

## YOUR RIGHTS & OPTIONS

### 10. What are my options?

If you are a member of one of the Damages Classes, you have two options:

- Do nothing, remain in the lawsuit, and await the outcome, or
- Exclude yourself (*i.e.* opt out) from the lawsuit.

If you are a member of the Injunctive Class:

- You will be bound by the outcome of the litigation. You do not have the ability to opt out of the Injunctive Class.

### 11. What happens if I do nothing?

If you do nothing you are choosing to remain in the lawsuit. You will keep the right to share in any money or benefits that may come from a trial or settlement of this lawsuit. However, you will give up your right to start another lawsuit, continue another lawsuit, or be part of any other lawsuit against any of the Defendants about the legal issues raised or that could have been raised in this case. All of the Court's orders in the case will apply to you and legally bind you. You will also be bound by any judgment in the lawsuit.

### 12. What happens if I ask to be excluded from the Damages Classes?

If you ask to be excluded or "opt-out" of the lawsuit, you won't get any money or benefits from this lawsuit even if Plaintiffs obtain them as a result of trial or from any settlement. However, you will not be legally bound by any of the Court's orders in this class action or any judgment or release entered in this lawsuit. You will keep your right to start another lawsuit, continue another lawsuit, or be part of another lawsuit against Defendants in the future about the legal issues in this case. If you exclude yourself so that you can start, or continue, your own lawsuit against Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations defense, which means your claims may be subject to expiration.

### 13. How do I opt out of the Damages Classes?

To exclude yourself you must send a letter to the Notice Administrator stating that you want to be excluded from the Class in *In Re: College Athlete NIL Litigation*, Case No. 4:20-cv-03919. Your letter must include your name, address, telephone number, NCAA ID number (if available), which Class you are part of (*i.e.* Football and Men's Basketball Class, Women's Basketball Class, or Additional Sports Class), and your signature.

You must mail your exclusion request to the Notice Administrator, so it is postmarked by **Month XX, 2024** to:

*College Athlete NIL Litigation* Notice Administrator  
PO Box 301134  
Los Angeles, CA 90030-1134

### 14. How do I stay up to date on the status of the lawsuit?

If you would like to be provided with updates about the lawsuit, including any compensation that may become available, go to [www.NILCollegeAthleteLitigation.com](http://www.NILCollegeAthleteLitigation.com) and enter your contact information. The information you provide will be used to send you an email or postal mailing as updates become available.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in the case?

If you remain in the Class, yes, the Court has already appointed attorneys from Hagens Berman Sobol Shapiro LLP and Winston & Strawn LLP to represent you and other Class members. These law firms are called Co-Lead Counsel for the classes. More information about these law firms and lawyers can be found at [www.hbsslaw.com](http://www.hbsslaw.com) and [www.winston.com/en](http://www.winston.com/en). You can contact Steve Berman of Hagens Berman at [steve@hbsslaw.com](mailto:steve@hbsslaw.com). You can contact Jeffrey Kessler of Winston & Strawn at [jkessler@winston.com](mailto:jkessler@winston.com).

### 16. Should I get my own lawyer?

You do not need to hire your own lawyer because Co-Lead Counsel are working on your behalf. However, if you wish to do so, you may hire your own lawyer at your own expense.

### 17. How will the lawyers be paid?

If Co-Lead Counsel obtains money or benefits for the Classes they will ask the Court to award them reasonable attorneys' fees, as well as reimbursement of expenses. If the Court grants Co-Lead Counsel's requests, these fees and expenses would either be deducted from any money obtained for the Classes, or be paid separately by the Defendants.

## THE TRIAL

### 18. How and when will the Court decide who is right?

The Court will hold a trial in this case which is scheduled to begin in January 2025 at the United States District Court for the Northern District of California, 1301 Clay Street, Oakland, California 94612. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendants are right about the claims in the lawsuit.

### 19. Do I have to come to the trial?

No, you do not need to attend the trial. Co-Lead Counsel will present the case for the Plaintiffs, and Counsel for the Defendants will present the defenses. You or your own lawyers are welcome to come at your own expense.

### 20. Will I get money after the trial?

If the Co-Lead Counsel obtains money or benefits as a result of the trial or a settlement, a new notice will be issued.

## GETTING MORE INFORMATION

### 21. How do I get more information?

More information is available at [www.NILCollegeAthleteLitigation.com](http://www.NILCollegeAthleteLitigation.com), by sending an email to [info@NILCollegeAthleteLitigation.com](mailto:info@NILCollegeAthleteLitigation.com), by calling 1-8xx-xxx-xxxx or by writing to *College Athlete NIL Litigation* Notice Administrator, PO Box 301134, Los Angeles, CA 90030-1134.

Complete copies of public pleadings, Court rulings, and other filings are also available by accessing the Court docket for this case, for a fee, through the Court's PACER system at <https://ecf.cand.uscourts.gov> or visiting the Clerk of the Court at the address listed above between 9:00 a.m. and 4:00 p.m. on Monday through Friday, excluding Court holidays.